

DARTFORD

BOROUGH COUNCIL

MEMBER/OFFICER PROTOCOL

Introduction

1. Mutual trust and respect between Members and Officers is at the heart of the Council's good governance. They are essential if the partnership necessary for the effective running of the Council is to succeed.
2. This Protocol guides Members, Co-opted members and Officers of the Council in their relations with one another. Members and Officers have a responsibility to act fairly, honestly, in good faith and in an impartial way to meet the specified objectives of the Council. Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped however, that the approach which it adopts to these issues, will serve as a guide to dealing with other issues.
3. One of the key components of the ethical framework set out in the Local Government Act 2000 relates to the Ten General Principles of Conduct. These General Principles govern the conduct of elected and co-opted Members and are detailed at Annex 1 to this Protocol. These General Principles provide the foundation on which the Member Code of Conduct has been based.
4. This Protocol should be recognised both as a central element of the Council's ethical/corporate governance and as a commitment to upholding standards of conduct in public life and demonstrating to the public at large, that the Council is serious about protecting and enhancing its integrity and reputation.

Principles

1. Members and Officers must at all times observe this Protocol.
2. This Protocol has been approved by the Council's Standards Committee who will monitor its operation.
3. Members and Officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
4. Whilst Members and Officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively), and to carry out the Council's work under the direction of the Council.
5. The Council has adopted codes of conduct for both Members and Officers. The Member Code of Conduct is based on the general principles governing Members' conduct enshrined in law, viz:
 - i. Selflessness – serving only the public interest;
 - ii. Honesty and integrity – not allowing these to be questioned; not behaving improperly;

- iii. Objectivity – taking decisions on merit;
- iv. Accountability – to the public; being open to scrutiny;
- v. Openness – giving reasons for decisions;
- vi. Personal judgement – reaching one's own conclusions and acting accordingly;
- vii. Respect for others – promoting equality; avoiding discrimination; respecting others (Member/Member, as well as Member/Officer);
- viii. Duty to uphold the law – not acting unlawfully;
- ix. Stewardship – ensuring the prudent use of a Council's resources;
- x. Leadership – acting in a way which has public confidence.

These principles underpin this Protocol.

6. Until such time as a statutory national code for Officers is brought into force, Officers are bound by the Council's own Code of Conduct for staff and, in some cases, by the codes of their professional associations.

The role of Members

1. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, or the Monitoring Officer.
2. Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the Council's policy framework, strategic plans and budget.
3. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community, often in partnership with other agencies.
4. Every elected Member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on outside bodies.
5. As members of the Council and its committees etc, Members have personal, individual, and collective responsibility for the Council, as a local authority organisation and its activities. Members will therefore concern themselves with the performance, development, continuity and overall well-being of the Council.
6. As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members, they have a duty always to act in the public interest.
7. Members are not authorised to instruct Officers other than:
 - through the formal decision-making process;
 - to request the provision of consumable resources provided by the Council for Members' use;
 - where staff have been specifically allocated to give support to a Member or group of Members.

8. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
9. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under the Member Code of Conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Section 151 Officer.
10. Members must respect the impartiality of Officers and do nothing to compromise it, e.g. by insisting that an Officer change his/her professional advice.
11. Members have a duty under the Member Code of Conduct:
 - not to do anything which may cause the Council to breach equality legislation;
 - to treat others with respect;
 - not to bully anyone or intimidate any person involved in code of conduct cases;
 - not to disclose confidential information without consent;
 - not to prevent others from gaining access to information to which they are entitled;
 - not to conduct themselves in such a manner as to bring the Council or their position as a Member into disrepute;
 - not to use their position as a Member improperly to gain an advantage or disadvantage for themselves or any other person;
 - to act in accordance with the Council's reasonable requirements in relation to the use of the Council's resources and not permit those resources to be used for party political purposes;
 - to have regard to the Local Authority Code of Publicity.
12. Members should always deal with Officers in such a way as to preserve public confidence in the Council. It is equally important for Members to work with each other positively and with mutual respect. Whilst robust debate, challenges and party allegiances are integral to normal political life, it is not appropriate for Members to treat a colleague or an Officer with contempt, or hurl personal abuse to, or, physically attack a colleague or an Officer. Members must seek to act courteously and with integrity at all times and set high standards that Officers and members of the public can follow.
13. In the conduct of Council business, there should be mutual respect and courtesy at all meetings and contacts, both formal and informal, between Members and Officers.
14. Members should avoid undermining respect for Officers at Council meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council.
15. Complaints about Council services should be raised through the Council's Corporate Complaints Procedure. Complaints about Officers should be raised with the relevant Director.

16. Members and Officers have a duty to raise any issues where they have reason to think that fraud/probity, corruption or malpractice of any sort is involved within the workplace and are encouraged to raise their concerns through the Council's Whistleblowing Policy.

The role of Officers

1. Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors.
2. Under the direction and control of the Council and its committees, Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
3. Officers have a duty to implement decisions of the Council and its committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly minuted.
4. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
5. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the Council as expressed in the Council's formal decisions.
6. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
7. Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.
8. Officers serve the Council through its committees etc. They work to the instructions of their Director and/or Manager - not individual Members of the Council, whatever office the Member might hold. It follows therefore, that Officers must not be asked to exceed the bounds of authority they have been given by their Director and/or Manager, nor should they have unreasonable demands placed on them, in terms of support to an individual Member or Members. Officers will do their best to give timely responses to Members' enquiries.
9. Officers' work priorities are set and managed by their Managers or Director. Members should avoid disrupting Officers' work by imposing their own priorities.
10. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to a Senior Officer or Director, at least in the first instance.

11. Members will endeavour to give timely responses to enquiries from Officers.

The relationship between Members and Officers

1. The conduct of Members and Officers should be such as to instil mutual confidence and trust. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
2. Informal and collaborative two-way contact between Members and Officers is encouraged, but personal familiarity can damage the relationship, as might a family or business connection.
3. Members and Officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
4. It is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.
5. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
6. An Officer will not discuss with a Member, personal matters concerning him/herself or another individual employee. This does not prevent an Officer raising on a personal basis, and in his/her own time, a matter with his/her ward Member.
7. Members and Officers should respect each other's free (i.e. non-Council) time.
8. Officers can expect from Members:
 - political leadership and direction;
 - respect, dignity and courtesy;
 - an understanding of and support for respective roles, workload and pressures;
 - not to be subject to bullying;
 - harassment or undue pressure;
 - not to use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
 - compliance with the Member Code of Conduct.
9. Members can expect Officers to:
 - a. behave in a professional manner;
 - b. be helpful and respectful to Members;
 - c. maintain confidentiality;
 - d. perform their duties effectively, efficiently and with political neutrality;
 - e. behave in a professional and courteous manner;

- f. avoid personal close familiarity with Members and not use their relationship with Members to advance their personal interests or to influence decisions improperly;
- g. report to their Director any time that a Member asks or pressurises the Officer to deal with a matter outside of Council procedure or policy;
- h. demonstrate an understanding of and support for respective roles, workload and pressures;
- i. comply with the Code of Conduct for Staff.

Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person whom the Member has some actual or perceived influence over. This can be contrasted with the legitimate challenges which a Member can make in challenging policy or scrutinising performance. It is important that Members raise issues about poor Officer performance in the correct way and proper forum.

Members must not intimidate or attempt to intimidate any Officer who is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings relating to a failure to comply with the Member Code of Conduct.

The Council as employer

1. Officers are employed by the Council.
2. Members' roles are limited to:
 - (a) the appointment of specified senior posts;
 - (b) determining human resources policies and conditions of employment for specified posts, and
 - (c) hearing and determining appeals for specified posts.

Members will not act outside these roles.

3. If participating in the appointment of Officers, Members should:
 - i. remember that the sole criterion is merit;
 - ii. never canvass support for a particular candidate;
 - iii. not take part where one of the candidates is a close friend or relative;
 - iv. not be influenced by personal preferences; and
 - v. not favour a candidate by giving him/her information not available to the other candidates.
4. A Member will not sit on an appeal hearing if the appellant is a friend, a relative, or an Officer with whom the Member has had a working relationship.

Scrutiny Committee and Officers

1. This part of the Protocol should be read in conjunction with the Scrutiny Committee's Protocol.
2. The Scrutiny Committee or the Chairman acting on its behalf, may require Officers to attend meetings. Members should not normally expect junior Officers to give evidence. All requests should be made to Directors in the first

instance.

3. When making requests for Officer attendance, Scrutiny Committee members will have regard to the workload of Officers.
4. Officers required to appear before the Scrutiny Committee may often be those who have advised the Cabinet or another part of the Council on the matter to be scrutinised. In these circumstances, the Officer may have a conflict of interest. Both Members and Officers need to consider the severity of the conflict. If deemed appropriate, research and advice must be sought elsewhere.
5. In giving evidence to the Scrutiny Committee, Officers must not be asked to express political views.
6. Officers should respect Members in the way they respond to Members' questions.
7. Members should not question Officers in a way which could be interpreted as harassment or bullying. Neither should they ask about matters of a disciplinary nature.
8. Scrutiny proceedings must not be used to question the capability or competence of Officers. Members need to make a distinction between scrutinising the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not a scrutiny function.

Party Groups and Officers

1. Officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending, are not members of the Council.
2. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
3. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal Council decisions. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
4. Where Officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant committee of the Council.

5. It must not be assumed that an Officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
6. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to other Members. This will not prevent an Officer providing feedback to other Officers on a need-to-know basis.
7. In their dealings with party groups, Officers must treat each group in a fair and even-handed manner.
8. Members must not do anything which compromises or is likely to compromise Officers' impartiality.
9. The duration of an Officer's attendance at a party group meeting will be at the discretion of the group, but an Officer may leave at any time if he/she feels it is no longer appropriate to be there.
10. An Officer accepting an invitation to the meeting of one party group will not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
11. Junior Officers will not be invited to attend a party group meeting, but a Director may nominate another officer to attend on his/her behalf.
12. An Officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
13. No Member will refer in public or at meetings of the Council, to advice or information given by Officers to a party group meeting.
14. At party group meetings, where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not Members, are not bound by the Member Code of Conduct. They do not have the same rights to Council information, as Members.
15. Any particular cases of difficulty or uncertainty in relation to this part of the Protocol, should be raised with the Managing Director.

Ward Members and Officers

1. To enable them to carry out their ward role effectively, Members need to be fully informed about matters affecting their ward. Directors and Senior Officers must ensure that all relevant staff are aware of the requirement to keep local Members informed, thus allowing Members to contribute to the decision-making process and develop their representative role. This requirement is particularly important:
 - (1) during the formative stages of policy development, where practicable;
 - (2) in relation to significant or sensitive operational matters;
 - (3) whenever any form of public consultation exercise is undertaken, and

- (4) during a scrutiny investigation.
2. Issues may affect a single ward. Where they have a wider impact, a number of local Members will need to be kept informed.
3. Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the wards affected, should be invited to attend the meeting as a matter of course.
4. If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant Officer. Provided the meeting has not been arranged on a party political basis:
 - i. an Officer may attend, but is not obliged to do so; and
 - ii. the meeting may be held in Council-owned premises.

No such meetings will be arranged or held in the immediate run-up to Council elections.

5. Whilst support for Members' ward work is legitimate, care should be taken if staff are asked to accompany Members to ward surgeries. In such circumstances:
 - the surgeries must be open to the general public; and
 - Officers should not be requested to accompany Members to surgeries held in the offices or premises of political parties.
6. Officers must never be asked to attend ward or constituency political party meetings.
7. Where the Council arranges for employees to support Members directly in carrying out their duties e.g. Leader's office, particular considerations apply.
 - (a) staff may receive and handle messages for on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
 - (b) while staff may operate to the requirements of individual Councillors in their daily business, it must be remembered that the employees are accountable to their line Managers and any issues about conflicting priorities, conduct or performance must be referred to those Managers.
8. In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue, but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale, and may need to seek instructions from their Managers or Director.

Outside Body appointments

1. This part of the Protocol should be read in conjunction with the Guidance on Outside Bodies.

2. Members and Officers may be appointed as the Council's representative to an outside body.
3. Where Members and Officers represent the Council's position as a 'member' of the outside body, but take no part in its management or governance, other than to attend and vote at annual or general meetings, they will be mainly concerned with representing the Council and will not have responsibilities for governance of the body.
4. The outside body may invite Members and Officers to take on a position of management or governance e.g. trustee or director. Here, Members and Officers will not only be representing the interests of the Council, but will also have duties to the outside body and a role in its governance as a member of the management committee, board of directors or committee of trustees.
5. The main issues for Members and Officers to consider are:
 - the application of the respective Council codes of conduct for Members and staff;
 - the outside body's code of conduct;
 - the primary duty to act in the interests of the outside body;
 - duties as a charity trustee;
 - duties as a company director;
 - liabilities in respect of unincorporated organisations;
 - conflicts of interest between the Member's role as a Councillor or the Officer's role as an employee of the Council.
6. Members and Officers will continue to observe the Council's codes of conduct, unless they are subject to the outside body's code of conduct.

Pre-election publicity

1. The Council is required to have regard to the Code of Recommended Practice on Local Authority Publicity (the Publicity Code)¹ at any time when it comes to a decision on publicity.
2. The Publicity Code applies to all publicity which the Council produces, regardless of whether the publicity is party political in nature. The requirement to have regard to the Publicity Code is imposed on Members through the Member Code of Conduct.
3. During an election period, special rules apply with regard to local authority publicity. The Publicity Code states that 'the period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members.'

¹ Issued 31 March 2011

4. Members and Officers should exercise particular care over the methods used in disseminating information, so that an appropriate balance is struck between unobtrusiveness and accessibility.
5. Any Member standing for re-election, must maintain a clear distinction between his/her private wish to stand for re-election and his/her official duties as a serving Councillor. The Member should, therefore, be particularly careful to guard against giving any impression that Council resources are being or could have been used for his/her re-election and/or private purposes. To do so, could amount, to a breach of the Member Code of Conduct.
6. The Publicity Code acknowledges that a degree of flexibility is necessary: 'Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election.'
7. It is important to understand the difference between the Council as a corporate body and individual Members who have party political affiliations. It is acceptable for the Council (as a corporate body), to respond in appropriate circumstances, to events and legitimate service enquiries provided that the answers are factual and not party political.
8. Members who hold positions of special responsibility within the Council e.g. Leader, Deputy Leader, Portfolios or a civic position such as the Mayor should be able to comment in an emergency or where there is a genuine need for a Member level response to an important event outside the Council's control. They may also make some public comment (on the Council's behalf and with the use of Council resources) on 'issues of the day. However, such occasions should sensibly be kept to a minimum during the pre-election period.
9. Matters related to reporting of the Council's achievements over the previous four years must be avoided at all costs as this could be viewed as publicity seeking to influence residents' votes.
10. Council business has, of course, to continue and must continue during an election period. Publicity around normal Council business/events must also continue, but it must be thoroughly thought through so as to ensure the Council 'machinery' is not used or allowed to be used/manipulated for private or party political purposes. Any publicity relating to the promotion of Departmental needs and the reporting of any Council meetings and decisions, must, during the pre-election period, be agreed with the Managing Director.
11. Where there may be a doubt as to whether the provisions of the law or the Publicity Code are being followed, Members and Officers should obtain advice from the Communications Manager or the Head of Legal Services.

Members' access to documents and information

1. This part of the Protocol should be read in conjunction with the Access to Information Rules in the Council's Constitution.

2. Members have no right to a roving commission to go and examine books or documents of the Council. Mere 'curiosity or desire to see and inspect documents is insufficient. The test is whether the Member can demonstrate a reasonable need to see the documents in order to carry out his/her role as a Councillor (the 'need to know' principle). A Member's 'need to know' derives from the Member's committee responsibilities but may also extend to a Councillor with a legitimate ward problem.
3. Members have a right of access to all written material relating to a function controlled by a committee on which they serve, but an 'outside Member' has no such automatic right.
4. Members may, on a 'need to know' basis, ask Officers to provide them with such information, explanation and advice as they may reasonably need, to assist them to discharge their roles as Members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
 - (a) it is in the public domain; and
 - (b) there are no Data Protection Act 1998 implications.
5. A Member will have the right to see other papers including confidential or exempt information if he/she can establish a 'need to know' in order to perform properly his/her duties as a Councillor and this need is not outweighed by any public interest requiring non-disclosure.
6. Members have the right to see the Council's accounts prepared by the Section 151 Officer and also have a general right to see all books, deeds, contracts, bills, vouchers and receipts relating to the accounts.
7. Disputes as to the validity of a Member's request to see a document on a need to know basis will be determined by the Managing Director. Officers should seek his advice, if in any doubt about the reasonableness of a Member's request.
8. A Member must not knowingly inspect or request a copy of a document which relates to a matter in which he/she is professionally interested or in which he/she has a prejudicial interest as defined in the Member Code of Conduct.

A Member should obtain advice from the Data Protection Officer or Monitoring Officer (as appropriate) in circumstances where he/she wishes to have access to documents or information:

- (a) where to do so is likely to be in breach of the Data Protection Act 1998, or
 - (b) where the subject matter is one in which he/she has a prejudicial interest.
9. Members must not request Officers to carry out research for them covertly.
 10. Members must use the information given to them for the purpose for which it was requested. Members must not use information gained during their duties as a Councillor either for personal gain or in a way which could disadvantage

or discredit the Council. Disclosure is prohibited, until publicity occurs as a normal incidence of Council activity.

11. It is an accepted convention that a Member from one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
12. Members and Officers must not disclose information given to them in confidence without the consent of the person authorised to give it, or unless required by law to do so.
13. Officers will keep confidential from other Members, advice requested by a Member. However, this will not prevent Officers from providing feedback to other Officers on a need to know basis.
14. Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

Officer/Chairman Relationships

1. It is clearly important that there should be a close working relationship between the Chairman of the committees of the Council and the Director and Senior Officers of the Department which reports to that body. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question, the Officer's ability to deal impartially with other Members and other party groups.
2. Whilst the Chairman will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, in some situations, a Director will be under a duty to submit a report on a particular matter. Similarly, a Director will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a Chairman and a Director in this area should be referred to the Managing Director for resolution.
3. It is important to remember that although the law now allows for decisions relating to the discharge of any of the Cabinet's (the executive) functions to be taken by any single Cabinet member, the Council's Constitution requires that decisions relating to the discharge of Cabinet functions are taken by the Cabinet as a committee.

A Member in an individual capacity has no executive powers and can exercise no lawful authority. Members must operate through the Council's committee structure.

4. Chairmen should never seek to influence Directors or Officers to reduce the options or withhold information, which they should properly report to a committee of the Council.
5. A resolution may be passed at meetings which authorises an Officer to take action between meetings in consultation with the Chairman/Leader/Portfolio Member etc. Whilst such action is sometimes (incorrectly) referred to as 'Chairman's action', it is the Officer, not the Chairman, who takes the action

and is responsible for it. Under the Council's Constitution, a Member has no legal power to take decisions on behalf of the Council and its committees etc.

6. Officers within a Directorate are accountable to their Director and whilst Officers should always seek to assist a Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director.

The Mayoralty

The Mayor has a representative role on behalf of the Council and the Borough to local residents and those who work or study in the Borough. The position is non-political. It is reasonable for the Mayor to be supportive of local business, but the office should not be used for commercial promotions and the Mayor should not use his/her office, nor Officers, to by-pass recognised systems of working.

Media relations

1. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
2. Press releases or statements made by Officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
3. Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
4. Before responding to enquiries from the media, Officers will ensure they are authorised to do so. Officers will inform the Communications Manager of issues likely to be of media interest, since the Communications Section is often the media's first point of contact.
5. If a Member is contacted by, or contacts, the media on an issue, he/she should:
 1. indicate in what capacity he/she is speaking (e.g. as ward Member, in a personal capacity, as a Cabinet member, on behalf of the Council, or on behalf of a party group);
 2. be sure of what he/she wants to say or not to say;
 3. if necessary, and always, when he/she would like a press release to be issued, seek assistance from the Communications Manager and/or relevant Senior Officer/Director, except in relation to a statement which is party political in nature;
 4. consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
 5. never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 6. consider whether to consult other relevant Members; and
 7. take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

Correspondence

1. Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent/blind copies' should not be employed.
2. Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister), for a letter to appear in the name of a Cabinet member, or Chairman of a committee, but this should be the exception rather than the norm. Letters, which for example, create obligations or give instructions on behalf of the Council, should never be sent out in the name of a Member.
3. The Mayor and the Leader may initiate correspondence in their own name.
4. When writing in an individual capacity as a ward Member, a Member must make clear that fact.

Access to premises

1. Officers have the right to enter Council land and premises to carry out their work. Some Officers have the legal power to enter property in the ownership of others.
2. Members have a right of access to Council land and premises to fulfil their duties. When making visits on their own, Members should:
 - (a) whenever practicable, notify and make advance arrangements with the appropriate Manager or Officer in charge;
 - (b) comply with health and safety, security and other workplace rules;
 - (c) not interfere with the services or activities being provided at the time of the visit;
 - (d) if outside his/her own ward ,notify the ward Member(s) beforehand; and
 - (e) take special care at schools and establishments serving vulnerable sections of society, to avoid giving any impression of improper or inappropriate behaviour.

Use of Council resources

1. The only basis on which the Council can lawfully provide support services to Members (e.g. stationery, typing, printing, photocopying, transport, computers etc), is to assist them in discharging their role as members of the Council.
2. The Council provides all Members with stationery and computer equipment, to assist them in discharging their roles as Councillors. These items are paid for from the public purse and must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

3. Members should ensure they understand and comply with the Council's local rules about the use of such resources, particularly:
 - where facilities are provided in Members' homes at the Council's expense;
 - in relation to any locally agreed arrangements e.g. payment for private photocopying; and
 - regarding ICT security.
4. Members should not approach or pressure staff to carry out duties or provide resources or support in a biased or partisan way. Examples are:
 1. business which is solely to do with a political party;
 2. work in connection with a ward or constituency party political meeting;
 3. electioneering;
 4. work associated with an event attended by a Member in a capacity other than as a member of the Council;
 5. private personal correspondence;
 6. work in connection with another body or organisation where a Member's involvement is other than as a member of the Council; and
 7. support to a Member in his/her capacity as a councillor of another local authority.

Interpretation, complaints and allegations of breaches

1. Members or Officers with questions about the implementation or interpretation of any part of this Protocol, should seek the guidance of the Monitoring Officer.
2. A Member who is unhappy about the actions taken by, or conduct of, an Officer should:
 1. avoid personal attacks on, or abuse of, the Officer at all times;
 2. ensure that any criticism is well founded and constructive;
 3. never make a criticism in public; and
 4. take up the concern with the Officer privately.

If direct discussion with the Officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the Officer's Manager or the relevant Director.

3. A breach of this Protocol by an Officer, may lead to an investigation under the Council's Disciplinary Procedure.
4. If an Officer believes a Member may have acted other than in accordance with this Protocol, he/she should raise their concern with the Monitoring Officer who will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the Leader of the relevant party group. More serious complaints may result in a complaint to the Council's Standards Committee or to the Standards Board for England, where any allegation, if proven, warrants the Adjudication Panel for England's penalties.

Adopted by the General Assembly of the Council - 30 July 2007 [Min.No.52]